



**CITY OF SUNNYVALE  
REPORT  
Planning Commission**

**September 12, 2005**

**SUBJECT:**           **2005-0703 - MV Development** [Applicant/Owner]:  
Application located at **965 East Arques Avenue** (near  
DeGuigne Dr) in an M-S (Industrial & Service) Zoning  
District.

Motion               Use Permit on a 2.7-acre site to allow a church, a school,  
and office uses within an existing industrial building.

**REPORT IN BRIEF**

**Existing Site**           Industrial Office Building  
**Conditions**

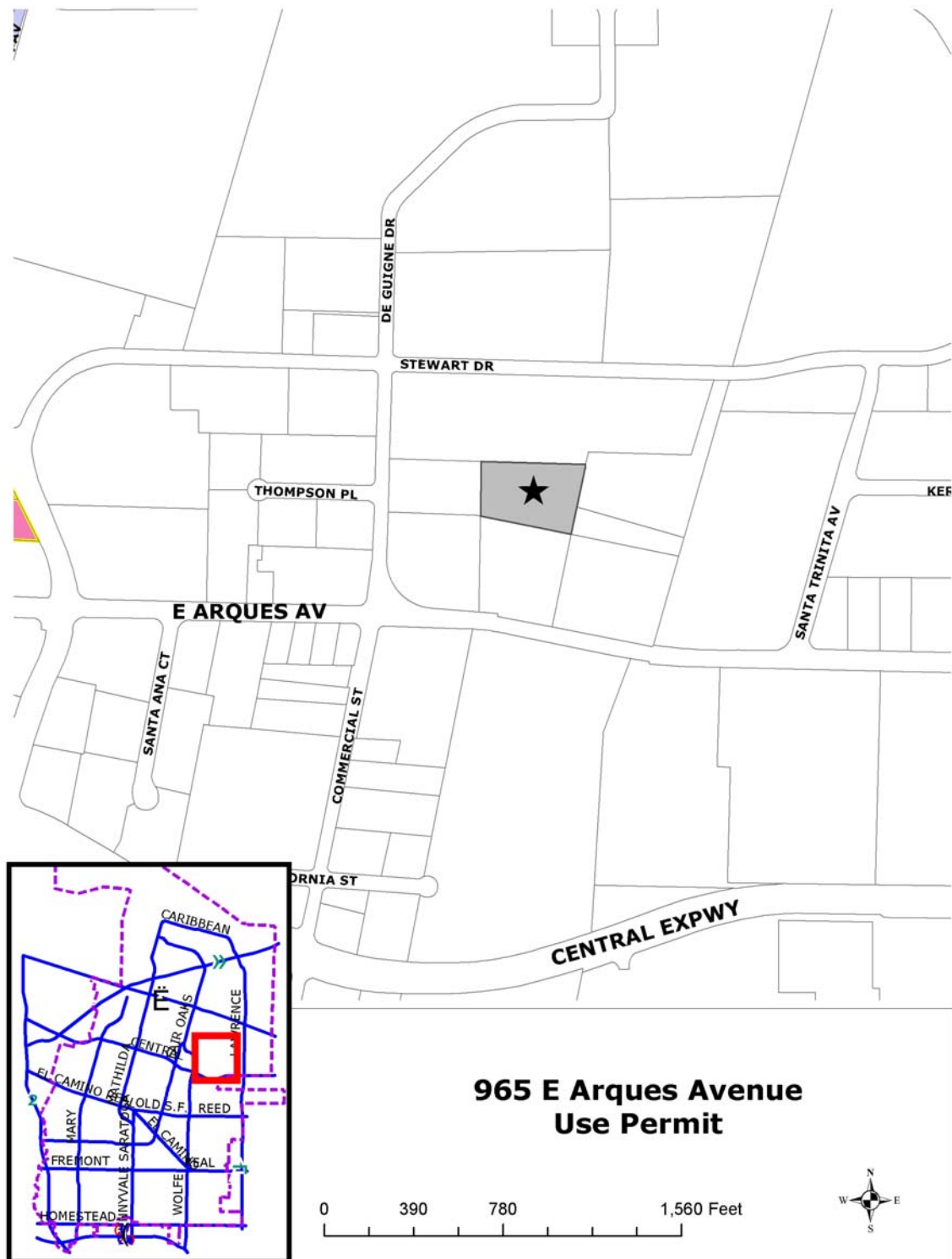
**Surrounding Land Uses**

North	Industrial
South	Industrial across East Arques Avenue
East	Industrial
West	Industrial

**Issues**               Compatibility of Use

**Environmental**       A Negative Declaration has been prepared in  
**Status**               compliance with California Environmental Quality  
Act provisions and City Guidelines.

**Staff**                 Deny  
**Recommendation**



**PROJECT DATA TABLE**

	<b>EXISTING</b>	<b>PROPOSED</b>	<b>REQUIRED/ PERMITTED</b>
<b>General Plan</b>	Industrial & Service	Same	Industrial & Service
<b>Zoning District</b>	M-S	Same	M-S
<b>Lot Size (s.f.)</b>	267,143	Same	22,500 min.
<b>Gross Floor Area (s.f.) (including 955 E. Arques Avenue)</b>	81,400	81,400	No max.
<b>Gross Floor Area of Church</b>	N/A	30,040	No max
<b>Lot Coverage (%)</b>	24%	Same	45% max.
<b>Floor Area Ratio (FAR)</b>	24%	Same	35% max.
<b>No. of Buildings On-Site</b>	2	Same	---
<b>Distance Between Buildings</b>	40'	Same	20' min.
<b>Building Height (ft.)</b>	16'	16'	75 max.
<b>No. of Stories</b>	965 E. Arques - 1 story 955 E. Arques – 2 stories	Same	8 max.
<b>Setbacks</b>			
<b>Front</b>	120'	Same	35' min.
<b>Left Side</b>	54'9"	Same	0 min. (20' total)
<b>Right Side</b>	57'	Same	0 min. (20' total)
<b>Rear</b>	112'	Same	0 min.
<b>Landscaping (sq. ft.)</b>			
<b>Total Landscaping</b>	52,733	54,802	53,429min.
<b>% Based on Parking Lot</b>	39%	41%	20%

<b>Parking</b>			
<b>Total Spaces</b>	329	370	307 min.
<b>Standard Spaces</b>	321	362	301 min.
<b>Compact Spaces/ % of Total</b>	0/0%	Same	35% max.
<b>Accessible Spaces</b>	8	Same	8 min.

## **ANALYSIS**

### **Description of Proposed Project**

The proposed project is for a Use Permit to allow church, school and office uses within an existing industrial building located at 965 E. Arques Avenue. The site is zoned M-S (Industrial and Service). The new use would utilize an approximately 30,040 square foot space within one of the two buildings (rear). The remaining uses on site would be for general industrial or R&D offices. The applicant has indicated that the site would operate each day of the week at varied hours of the day. The expected demands of the proposed use for the site are noted below:

<b>Activity</b>	<b>Hours of Operation</b>	<b>Expected Attendance</b>
Sunday worship / children's religious instruction	8:00am to 2:00pm	400 adults & 100 children
Friday/Saturday Evening Fellowship:	7:00pm to 10:00pm	100 people
Wednesday Evening Meeting	7:00pm to 10:00pm	30 people
Weekdays	9:00am to 5:00pm	10 people
Saturday Training	9:00am to 1:00pm	50 people

As noted above, the peak use of the building will take place on Sundays, during non-business hours, of other surrounding uses. A breakdown of the needed parking of site is detailed in the "Parking/Circulation" section of this report.

### **Background**

**Previous Actions on the Site:** The following table summarizes previous planning applications related to the subject site.

File Number	Brief Description	Hearing/Decision	Date
2005-0284	Parcel Map to subdivide the lot into two condominium lots	Administrative/ Approved	06/29/05
2002-0579	Tree Removal Permit for a liquidambar tree	Staff/Approved	7/30/02

### **Environmental Review**

A Negative Declaration has been prepared in compliance with the California Environmental Quality Act provisions and City Guidelines. An initial study has determined that the proposed project would not create any significant environmental impacts (see Attachment C, Initial Study).

### **Use Permit**

**Site Layout:** The parcel has street frontage along East Arques Avenue. The layout of the site consists of two industrial office buildings located near the center of the site and surrounded by parking. The site has landscaping around the perimeter with significant trees and large berms along East Arques Avenue. There are currently no proposed changes to the structures other than minor upgrades to bring them into compliance with the current Building Code. The proposal includes the replacement of existing blacktop area utilized as basketball courts to new parking area for the site.

The previously approved application to allow the site to be subdivided for condominiums required certain improvements to the sidewalk, driveway approaches and bus stop areas along the frontage of the site. These conditions of approval are still required prior to approval of final map and shall also be completed prior to occupancy of the proposed use, if approved (See Condition of Approval #11).

**Architecture:** There are no proposed architectural changes to the building. Certain upgrades to the building may require modifications that would enable conformance to Building Code requirements.

**Landscaping:** The site is slightly under-landscaped with approximately 52,733 square feet. The project includes increases to the overall landscaping to meet Sunnyvale Municipal Code requirements. Approximately 2,000 square feet will be added to the site with a majority of the landscaping located within the new parking area behind the building. To improve shading for the site, Staff has included Condition of Approval #4B to provide landscaping at additional locations throughout site near existing parking areas.

The site currently has numerous protected (greater than 36" in circumference) and unprotected trees. There are no plans to remove any existing landscaping including protected trees.

The following Guidelines were considered in analysis of the project landscaping.

<b>City Wide Design Guidelines Landscaping</b>	<b>Comments</b>
<i>A4. Properly landscape all areas not covered by structures, driveways, and parking</i>	The proposal includes upgrade to the site to meet landscaping requirements. Additional landscaping will be located so as to improve shading for the site over areas designated for parking.

**Parking/Circulation:** Currently, the site meets parking standards for the originally developed R & D and industrial office uses of the site with 329 spaces. The site was developed in 1975 with two office buildings and recently subdivided to enable ownership of the buildings independently. The buildings share access off East Arques Avenue, parking and landscaping through an agreement (CC&Rs). In order to meet parking standards for the proposed church use, the applicant proposes a parking agreement to enable shared parking for the uses of the site (including 955 E. Arques Avenue). The application also includes parking improvements to increase capacity (370-total) and improve overall shading for the paved surfaces of the site. Similar to other churches and schools within the city, the parking for the site is determined by the various demands of the uses and hours of the site. The following chart summarizes the expected parking demand for the site:

<b>Use /Floor Area</b>	<b>Rate</b>	<b>Required Parking</b>
<i>Sanctuary – 7,360 s.f.</i>	512 seats at 1 space per 3 seats	170.7
<i>Stage – 1,680 s.f.</i>	1 space per 180 square feet	9.3
<i>Church office – 10,011 s.f.</i>	1 space per 225 square feet	44.5
<i>Classrooms – 9,293</i>		
• <i>Nursery</i>	1 space per employee + 1 space per 14 students	2
• <i>Kindergarten</i>	3 spaces per classroom	3
• <i>1<sup>st</sup> &amp; 2<sup>nd</sup></i>	3 spaces per classroom	3

Use /Floor Area	Rate	Required Parking
• 3 <sup>rd</sup> and 4 <sup>th</sup>	3 spaces per classroom	3
• 5 <sup>th</sup> & 6 <sup>th</sup>	3 spaces per classroom	3
• 7 <sup>th</sup> & 8 <sup>th</sup>	3 spaces per classroom	3
• 9 <sup>th</sup> - 12 <sup>th</sup>	3 spaces per classroom	3
• Young adults 1,140 s.f.	1 space per 21 s.f. (Assembly)	54.3
Storage - warehouse	1 space per 600 s.f.	1.9
<b>Total of proposed Use at capacity</b>		<b>307</b>
Additional office uses at 965 E. Arques (16,600 s.f.)	1 space 225 s.f.	74
Additional office uses at 955 E. Arques (34,700 s.f.)	1 space per 225 s.f.	155
Church Use during typical business hours		10
<b>Total during weekday business hours</b>		<b>239</b>

As noted in the “Description of Use” section of the report, the peak operation of the proposed use will often take place during non-typical business hours of the remaining uses of the site. Additionally, the above chart notes total parking demand for the site. The highest demand for the proposed use takes place on Sundays during “worship,” where 500 people are expected.

The attendance and demand of the site at the beginning of operation is expected to be less than what is specified. At full capacity and with varying hours of operation, parking for the site appears to be met with a shared parking agreement proposed by the applicant. The required parking for the site during the typical weekday business hours would be approximately 239 spaces. The parking agreement will include restriction to hours of operation of other uses on site so that parking can be met at all times.

**Compliance with Development Standards/Guidelines:** The site complies with most development standards for the M-S Zoning District. As noted in the parking section of the report, the proposal includes a parking agreement with the other uses at the site. Through varied parking demands of the site during the week, sufficient parking is provided. Additionally, landscaped areas added to the site will enable compliance to Sunnyvale Municipal Code requirements. Staff has included additional condition to disperse landscaping at other locations of the site to improve shading of parking areas.

**Expected Impact on the Surroundings:** The site is currently vacant, therefore; any new use that is introduced to the site will cause a noticeable increase in traffic demand. However; through compliance with Conditions of Approval and a shared parking agreement, the site will maintain adequate parking capacity.

The primary concern of the proposed use relates to the compatibility of the proposed church use with an industrially zoned area. Although, various non-industrial uses exist within the M-S Zoning District, and specifically along East Arques Avenue, an additional non-industrial use could impact future surrounding uses or operations, due to sensitive receptors associated with church/school uses. Sensitive receptors may include young children or the elderly. Additionally, the use erodes the integrity of the industrial zone and may limit the types of industrial uses that desire to locate nearby. The site is surrounded by industrial zoning and uses. Recently, many non-industrial uses, including religious assembly uses, have been proposed within the industrially zoned areas of the City. A current Council study issue by staff will evaluate appropriate locations and policies toward similar uses. The result of the study may enable further clarification of City policy or amendments to City ordinances and Zoning districts related to places of assembly. The study is scheduled for completion in early 2006.

If approved, staff is recommending that the Use Permit be restricted for three years. At that time, any possible negative impacts to the industrial area can be evaluated and related studies have been completed. The applicant may reapply for a Use Permit at that time. (Condition of Approval #1F)

### **Fiscal Impact**

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As a non-profit organization, the proposed use may result in a loss of property tax normally required for other industrial and commercial businesses. The proposed use supports nearby businesses by attracting additional people to the area.

### **Public Contact**

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Staff has not received any written comments from the public regarding this project.

**Planning Commission Study Session:** The project was reviewed by the Planning Commission at the Study Session held on August 22, 2005. Planning Commissioners stated concerns with the appropriateness of the use and loss of an industrial use for the site. Additional comments related to landscaping (shading) and architecture for the site.



<b>Notice of Negative Declaration and Public Hearing</b>	<b>Staff Report</b>	<b>Agenda</b>
<ul style="list-style-type: none"><li>• Published in the <i>Sun</i> newspaper</li><li>• Posted on the site</li><li>• 13 notices mailed to the property owners and residents within 300 ft. of the project site</li></ul>	<ul style="list-style-type: none"><li>• Posted on the City of Sunnyvale's Website</li><li>• Provided at the Reference Section of the City of Sunnyvale's Public Library</li></ul>	<ul style="list-style-type: none"><li>• Posted on the City's official notice bulletin board</li><li>• City of Sunnyvale's Website</li><li>• Recorded for SunDial</li></ul>

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**Conclusion**

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**Findings and General Plan Goals:** Staff is recommending denial for this project because the Findings (Attachment A) were not made. However, if the Planning Commission is able to make the required findings, staff is recommending Conditions of Approval (Attachment B).

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**Alternatives**

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1. Adopt the Negative Declaration and deny the Use Permit.
2. Adopt the Negative Declaration and approve the Use Permit and with the attached conditions.
3. Adopt the Negative Declaration and approve the Use Permit and with modified conditions.
4. Do not adopt the Negative Declaration and direct staff as to where additional environmental analysis is required.

**Recommendation**

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Alternative 1

Prepared by:

Ryan M. Kuchenig  
Project Planner

Reviewed by:

Gerri Caruso  
Principal Planner

Reviewed by:

Trudi Ryan  
Planning Officer

Attachments:

- A. Recommended Findings
- B. Recommended Conditions of Approval
- C. Negative Declaration
- D. Site and Architectural Plans
- E. Letter from the Applicant

### **Recommended Findings - Use Permit**

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Goals and Policies that relate to this project are:

#### **Land Use and Transportation Element**

**Policy N1.1** *Protect the integrity of the City's neighborhoods; whether residential, industrial or commercial.*

**N1.1.1** *Limit the intrusion of incompatible uses and inappropriate development into city neighborhoods.*

**N1.1.4** *Anticipate and avoid whenever practical the incompatibility that can arise between dissimilar uses.*

**Policy N1.6** *Safeguard industry's ability to operate effectively, by limiting the establishment of incompatible uses in industrial areas.*

**Policy N1.14** *Support the provision of a full spectrum of public and quasi-public services that are appropriately located.*

1. The proposed use does not attain the objectives and purposes of the General Plan of the City of Sunnyvale as the proposed use is not compatible with surrounding uses and may limit the ability of certain future industrial uses that may locate within a zoning district normally permitted by right. Although the proposed use should not have a negative impact to the site, nearby industrially zoned properties may be impacted or impaired due to the potential of sensitive receptors within the vicinity.
2. The proposed use is not desirable, and will be materially detrimental to the public welfare or injurious to the property, improvements or uses within the immediate vicinity and within the Zoning District because of possible impact to surrounding uses. Planning staff notes that other church and assembly uses are located along East Arques Avenue and other Industrially Zoned areas. More recent proposals located on industrially zoned properties have been evaluated based on their specific location and have been supported by staff due to their proximity to residentially zoned properties or current (Industrial to Residential) Zoning designation. Many of those sites are located closer to the periphery of the M-S Zoning District. In less recent years, there have been sites that have been approved for a similar use that do not necessarily meet these criteria. The recent influx of proposals for places of assembly within the industrial areas has necessitated a current study issue scheduled for completion early in 2006. Staff is concerned that the proposed use at this location may further

decrease the feasibility of more traditional industrial uses in the area. Alternative sites within the city may be more appropriate for the proposed use.

**Recommended Conditions of Approval - Use Permit**

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In addition to complying with all applicable City, County, State and Federal Statutes, Codes, Ordinances, Resolutions and Regulations, Permittee expressly accepts and agrees to comply with the following conditions of approval of this Permit:

Unless otherwise noted, all conditions shall be subject to the review of approval of the Director of Community Development.

**1. GENERAL CONDITIONS**

- A. Project shall be in conformance with the plans approved at the public hearing(s). Minor changes may be approved by the Director of Community Development; major changes may be approved at a public hearing.
- B. The Conditions of Approval shall be reproduced on a page of the plans submitted for a Building permit for this project.
- C. The Use Permit for the use shall expire if the use is discontinued for a period of one year or more.
- D. The Use Permit shall be null and void two years from the date of approval by the final review authority at a public hearing if the approval is not exercised, unless a written request for an extension is received prior to the expiration date.
- E. The activities, hours of operation, frequency, and maximum number of practitioners shall not exceed those listed in the report. Any expansion or modification of the approved use shall be approved by separate application at a public hearing by the Planning Commission.
- F. This Use Permit shall be restricted to three years from the date of occupancy, or four years from the date of Planning approval, whichever is less. To continue the use on the site, the applicant must then apply to the Planning Commission for another Use Permit which will include an analysis of impacts of the currently proposed use on the existing and neighboring sites. The applicant is advised to apply for the new Use Permit at least 3 months prior to the expiration date of this Use Permit to allow for continuity of use.
- G. Out-of door loudspeakers are prohibited.

- H. To address storm water runoff pollution prevention requirements, an Impervious Surface Calculation worksheet is required to be completed and submitted for the California Regional Water Quality Control Board prior to issuance of a Building Permit.

**2. COMPLY WITH OR OBTAIN OTHER PERMITS**

- A. Obtain necessary permits from the Development Permit from the Department of Public Works for all proposed off-site improvements.
- B. Obtain approval from the Crime Prevention Division of Public Safety Department for crime prevention measures appropriate to the proposed development prior to issuance of a Building Permit.

**3. EXTERIOR EQUIPMENT**

- A. Individual air conditioning units shall be screened with architecture or landscaping features.
- B. Any modification or expansion of unenclosed uses shall require approval from the Director of Community Development.
- C. All unenclosed materials, equipment and/or supplies of any kind shall be maintained within approved enclosure area. Any stacked or stored items shall not exceed the height of the enclosure.

**4. LANDSCAPING**

- A. Landscape and irrigation plans shall be subject to approval by the Director of Community Development prior to issuance of a Building Permit. Landscaping and irrigation shall be installed prior to occupancy.
- B. Landscaping shall be located within new parking areas and dispersed throughout the site to improve shading for the entire site.
- C. A tree protection plan shall be submitted for any existing trees on the site. Where possible, trees shall be protected and saved. Provide an inventory and valuation of any trees proposed to be removed prior to issuance of building permits.
- D. The landscape plan shall include street trees and shall be submitted and approved per the City Arborist.

- E. All landscaping shall be installed in accordance with the approved landscape plan and shall thereafter be maintained in a neat, clean, and healthful condition.
- F. Of new trees installed, 10% shall be 24-inch box size or larger and no tree shall be less than 15-gallon size.
- G. All areas not required for parking, driveways or structures shall be landscaped.

**5. PARKING**

- A. Submit a final parking agreement detailing shared parking facilities with remaining uses on site including 965 East Arques Avenue. Final parking agreement will be recorded with the deed.

**6. BICYCLE PARKING**

- A. Provide bicycle parking spaces (per VTA Bicycle Technical Guidelines) as approved by the Director of Community Development.

**7. RECYCLING AND SOLID WASTE**

- A. Submit a detailed recycling and solid waste disposal plan to the Director of Community Development for approval.
- B. All exterior recycling and solid waste shall be confined to approved receptacles and enclosures.
- C. New enclosures shall be of masonry construction and shall match the exterior design, materials and color of the main building.

**8. ROOF/ROOF SCREENS**

- A. Roof vents, pipes and flues shall be combined and/or collected together on slopes of roof or behind parapets out of public view to meet code requirements as noted in Sunnyvale Municipal Code Section 19.38.020.

**9. SIGNS**

- A. All existing/new signs shall be in conformance with Sunnyvale Municipal Code.

**10. RIGHT-OF-WAY IMPROVEMENTS (as approved w/ Parcel Map 2005-0284)**

- A. Obtain a Development Permit from the Department of Public Works for improvements.
- B. Curbs, gutters, sidewalks, streets, utilities, traffic control signs, electroliers (underground wiring) shall be designed, constructed and/or installed in accordance with City standards prior to occupancy. Plans shall be approved by then Department of Public Works.
- C. Any existing deficient public improvements shall be upgraded to current City standards. This would include driveway approaches (upgrade to current City Standards) and upgrades to the existing water meter (upgrade to radio-read water meter).
- D. The applicant shall install a cement pad behind the sidewalk for the bus stop bench and there shall be at least five feet of clearance between the bench and the curb. All plans shall be sent to the VTA for review and approval.
- E. The sidewalk, curb, and gutter in the public right-of-way along East Arques Avenue shall be replaced or repaired per Department of Public Works direction and standards, prior to final approval of the Parcel Map.